

## REMARKS

The present application includes pending claims 1-40, all of which have been rejected. By this Amendment, claims 34, 37 and 40 have been amended.

Claims 34, 37 and 40 stand rejected under 35 U.S.C. 112, first paragraph. The Applicants have amended these claims to correct a minor drafting error. Thus, the Applicants respectfully request reconsideration of these claim rejections.

Claims 1-33, 35, 36, 38 and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0054752 (“Wood”) in view of U.S. 7,103,905 (“Novak”). Claims 34, 37 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Novak and U.S. 6,774,926 (“Ellis”). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following.

Claim 1 recites, in part, “populating, at a first location, said channel guide for said new media channel with information identifying mixed media content, wherein said populated channel guide may be pushed to a second location.” Independent claims 11 and 21 recite similar limitations. The Applicants respectfully submit that the proposed combination of Wood and Novak does not describe, teach or suggest these limitations.

The Office Action acknowledges that Wood “does not explicitly teach the use of media from another source other than that of broadcast media or the ability to push said populated channel guide to a 2nd location.” *See* June 11, 2008 Office Action at page 4. To overcome this deficiency, the Office Action cites Novak.

Novak discloses a system in which an “individual can upload media objects to a server and specify a manner in which the media objects are to be played as a media program to an end user.” *See* Novak at Abstract. “The media program can be provided to the end user via a synthetic channel, which can be tuned to by the end user as if tuning to a conventional television broadcast channel.” *See id.* “Information related to the synthetic channel such as media program listings, can be provided in an electronic program guide.” *See id.* Figures 6-9 show a synthetic channel, namely “Joe’s TV channel.” In each example shown and described, the synthetic channel, *i.e.*, “Joe’s TV channel” includes only personal media (e.g., “Graduation,” “Family Reunion”), but not broadcast media. Thus, Novak discloses that the synthetic channels are not

mixed channels, but rather, personal channels. In particular, Novak discloses that “Joe’s TV Channel is a **personal** channel that can be provided to and selected by end users, and the end users can tune to the uploaded media program(s) accessible via this channel and view them similarly to regular television programming.” *See id.* at column 11, lines 60-64 (emphasis added). *See also* “Joe’s TV channel” in Figures 6-9 of Novak.

Thus, while Wood discloses “integrated channel guides allowing a user to control recording and storage of television signals into personal channel for later playback and viewing” (*see* Wood at Abstract) and Novak discloses “synthetic channels” that include personal media, but no broadcast media, neither Wood, nor Novak, alone or in combination with one another discloses a single channel that includes **both** broadcast and personal media. That is, the proposed combination of references fails to describe, teach or suggest ““populating, at a first location, said channel guide for said new media channel with information identifying **mixed media content**, wherein said populated channel guide may be pushed to a second location,” as recited in claim 1, for example. Thus, for at least these reasons, the proposed combination does not render claims 1-33, 35, 36, 38 and 39 unpatentable.

Claim 2, for example, recites “wherein said mixed media content comprises at least one personal media content and at least one broadcast media content.” As discussed above, neither Wood, nor Novak, alone or in combination with one another, describes, teaches or suggests a channel that includes **both** broadcast and personal media content. Thus, for at least this additional reason, the proposed combination does not render claims 2, 12 or 22 unpatentable.

Claim 34, for example, recites “pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel associated with a second media channel created at said second location.” The Office Action cites Ellis as disclosing this limitation. *See* June 11, 2008 Office Action at page 10.

Ellis discloses the following:

[A] video created by a contributor at user equipment 102 may be distributed to viewers at receiving user equipment 104 via communications network 106 and Internet service provider (ISP) 108. Videos may be distributed this way in **real time**.

Ellis at column 7, lines 33-37 (emphasis added). This portion of Ellis discloses that the video may be "distributed" as it is being created (*i.e.*, in "real time"). The video is then transmitted from the storage facility to a broadcast center. Then the video may then be broadcast through a personal (as opposed to private) channel at a scheduled time determined by the video creator and/or the broadcaster, or it may be "pulled" by the viewer on demand. However, neither Ellis, nor the other cited references, describes, teaches or suggests "pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel associated with a second media channel created at said second location," as recited in claim 34, for example. Thus, for at least this additional reason, the proposed combination of references does not render claims 34, 37 and 40 unpatentable.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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